

Teachers do a 180 for sake of grants

Union seeks to change law keeping test scores out of evaluations

By **David McGrath Schwartz (contact)**

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CARSON CITY — The state teachers union has done an about-face and is working with legislators to change a state law that prevents test scores from being used to evaluate teacher performance.

The Nevada State Education Association is in talks with Democratic lawmakers to change the 2003 law. The state was unable to apply this month for a share of \$4.3 billion in federal "Race to the Top" money in part because Nevada law does not allow officials to draw a nexus between teacher performance and student test scores.

The union has long resisted tying teacher evaluations to test scores. Union representatives this year argued that changing the law to pursue the federal money would further erode the state's control of its education system.

But it appears the union has bowed to a bipartisan political shift toward linking testing and teacher evaluation — President Barack Obama and his Democratic education secretary have emphasized the need to use test scores in measuring teachers.

"I'm a realist. The law is going to change — Democrats and Republicans are willing to change the law," said Ruben Murillo, president of the Clark County Education Association. "We can be proactive, have an impact on the legislation. Or we can sit back and say, 'Where the hell did that come from?'"

He added: "It's unfortunate that the Obama administration is going further with No Child Left Behind, and tying money and grants to school districts on this criteria. It's part of a federal takeover of our schools."

NSEA President Lynn Warne acknowledged that the changing political landscape contributed to the union's decision to support the law change. Also, she said, federal officials recently clarified their guidelines, and test scores will not be the sole factor in evaluating teachers.

"It's important for us to look at the changing political landscape, and apply for Race to the Top money," Warne said.

As recently as last month, teachers union representatives opposed efforts to change state law to qualify for the federal funding. Warne told the Reno Gazette-Journal in October that the money available to Nevada "isn't a poke in the eye, but it is not going to help what ails Nevada schools." The real problem, she said, is that the state chronically underfunds education.

An undated article on the state teachers union Web site boasted that the organization has fought to prevent test scores from being used in teacher evaluations for "more than 20 years." Test scores vary for a variety of reasons, including parent involvement and nutrition, the article stated. "Holding a teacher's evaluation hostage, on a matter that they cannot completely control, is not only unfair but it's not the proper way to evaluate whether a teacher is effective at what they do," the article said.

The article argued that education is a state, not federal, issue and dismissed the amount of federal money available to Nevada, saying the \$20 million the state could receive in the federal "Race to the Top" competition would equal less than 1 percent of school funding in the state.

(The U.S. Education Department, however, estimated Nevada would have been eligible for \$60 million to \$175 million in the first round of grants.)

Warne and Murillo both said the proposed legislative changes would leave the ultimate decision with local school boards when they negotiate contracts with county teachers associations. It would also make clear that test scores couldn't be used as the sole criteria used to evaluate teachers.

Gov. Jim Gibbons has said that if a special session of the Legislature is needed, he would propose changing state law so Nevada could qualify for future rounds of Race to the Top funding. He added, however, that he wouldn't call a special session just to deal with the education issue.

Whether a special session is needed because of the state budget crisis depends, in large part, on tax receipts the state will tally this month. Democratic and Republican legislators have been adamant that the state can limp along until early 2011, when the Legislature is next scheduled to meet, but the Gibbons administration has taken a more circumspect position on whether a special session will be necessary for financial reasons.

Assemblywoman Debbie Smith, D-Reno, said lawmakers and the teachers union are "in the phase where language is starting to be floated out there.

"We don't even know if there's going to be a special session," she said. "But it makes sense that we're talking about language for the next regular session."

When the grants were announced this year, Nevada was one of four states that prohibited test scores from being used to evaluate teachers. Now, Smith and Warne said, we're the only state, a reflection of the fact that the Nevada Legislature meets only every other year and wasn't available to make the change.

Smith said other attempts at education reform have been abandoned because of the state's budget crisis. A law passed in 2007 allowed teacher bonuses to be tied to higher test scores, but money earmarked for that was quickly lost during one of the early rounds of budget cuts.

Warne pointed to that legislation to counter the criticism that the teachers union is an impediment to reform.

"It makes better press to say the teachers union is a guardian of the status quo," she said. "We have had legislators introduce on our behalf alternative compensation plans. We are reformists. We are agents of change."

Murillo said: "We want members to be proactive, and have an impact on what reform looks like. We don't want teachers thrown under the bus. We don't want teachers blamed for everything that's going wrong."

Sun reporter Emily Richmond contributed to this story.

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